

# **EXHIBIT B**

**Paragraph Number  
(Added by Defendants)**

**Plaintiffs' Proposed Pop-Up**

## **BIG FISH CASINO**

Big Fish Games' [Terms of Use](#) ask players to give up their rights to participate in two class action lawsuits by agreeing to resolve all disputes in arbitration. You can choose whether you want to give up your rights.

### **What are these lawsuits about?**

Big Fish Games has been sued in two class action lawsuits, *Kater v. Churchill Downs* and *Thimmegowda v. Big Fish* in the U.S. District Court for the Western District of Washington. **These lawsuits claim that Big Fish players are entitled to a refund of ANY AND ALL money they have lost gambling on Big Fish Casino because it is an unlicensed gambling game.** Big Fish Games disagrees. The court has not yet decided who is correct, and it hasn't decided whether these lawsuits can proceed as class actions.

### **Can I keep playing without giving up my rights?**

**Yes.** Your choice to keep or give up your rights will not affect your tier level, bonus chips, or any other part of the game.

### **What am I giving up by choosing arbitration?**

If you give up your rights and agree to arbitration, **you might be giving up your chance to recover ANY AND ALL of the money you have spent, even if the Court later decides that Big Fish has to give players refunds.** That's because an arbitrator might apply different rules and standards to your case.

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You might be giving up other things too. If you decide to give up your rights, **starting an arbitration would cost you \$250**, and you will have to find your own lawyers. You do not have to pay a filing fee to participate in the class actions. Also, there is no judge and no jury in arbitration, and your right to appeal is limited.

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A federal appellate court **has already decided the key issue in the class action lawsuits, in favor of the players**. And the Court overseeing the two class action lawsuits determined that **“there is little uncertainty” that Big Fish Casino is illegal**. In arbitration, **you might not benefit from those decisions**.

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Finally, Big Fish’s Terms of Use say, and Big Fish believes, that you can only file claims that are less than one year old. But the Plaintiffs in the two class actions believe you can recover **ANY AND ALL** of your losses. **If you give up your rights, you might be giving up your only opportunity to recover for losses that are more than one year old.**

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### **What happens if I decide to keep my rights to participate in these class actions?**

There is **no charge to you to keep your rights to participate in the class actions**, and if the court allows the cases to proceed as class actions, it will appoint lawyers to represent Big Fish players. **Any fees or costs to the lawyers would be awarded by the Court at the end of the cases**. If the cases do not proceed as class actions, you will still have the right to bring your own lawsuit.



### Didn't I already see something about this?

In October, you may have seen a pop-up about Big Fish Games' Terms of Use. **A federal judge has decided that the pop-up was misleading and coercive.** You should disregard it.

### What should I do if I have more questions?

**If you have any questions, you should contact a lawyer.** The Plaintiffs in the two class actions are represented by the law firm Edelson PC, which can be reached at [casinolawsuits@edelson.com](mailto:casinolawsuits@edelson.com) or 800-347-5750.

If you want to keep your rights to participate in the class actions: Tap **KEEP MY RIGHTS**, which means that you want to opt out of the arbitration agreement and class action waiver but otherwise agree to the **Terms of Use** going forward. You can also send Big Fish a letter indicating your choice.

If you tap **GIVE UP MY RIGHTS**, you are saying you want to agree to the **Terms of Use** and mandatory arbitration, which means you might not be able to participate in these class actions. You can also send Big Fish a letter indicating your choice.

Either way, you **CAN** keep playing.

Keep  
My Rights

Give Up  
My Rights